
IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF UTAH

UNITED STATES OF AMERICA,

Plaintiff,

v.

CURTIS LYNN DEYOUNG,

Defendant.

**MEMORANDUM DECISION AND
ORDER DENYING MOTION FOR
RECONSIDERATION**

Case No. 2:15-cr-00104-DN

District Judge David Nuffer

Defendant Curtis Lynn DeYoung seeks reconsideration¹ of the denial of his prior motion to reconsider² the denial of his motion for compassionate release.³ The basis for Mr. DeYoung's current Motion for Reconsideration is that he did not receive a copy of the government's response to his Prior Motion for Reconsideration, and did not have the opportunity to file a reply.⁴ Mr. DeYoung has also now filed the reply he would have filed.⁵

Mr. DeYoung's Motion for Compassionate Release was denied without prejudice because he failed to demonstrate that he attempted to exhaust or exhausted his administrative remedies.⁶ In his Prior Motion for Reconsideration, Mr. DeYoung demonstrated that he had

¹ Motion for Reconsideration, [docket no. 121](#), filed July 23, 2020.

² Memorandum Decision and Order Denying Motion for Reconsideration, [docket no. 118](#), filed July 2, 2020; Motion for Reconsideration/Reopening of Petitioner's Request for Compassionate Release, Modification of Sentence or Order for Home Confinement ("Prior Motion for Reconsideration"), [docket no. 114](#), filed June 15, 2020.

³ Memorandum Decision and Order Denying Without Prejudice Motion for Compassionate Release, [docket no. 113](#), filed May 8, 2020; Emergency Request for a Compassionate Release, Modification of Sentence in Time Served or Order for Home Confinement ("Motion for Compassionate Release"), [docket no. 111](#), filed May 5, 2020.

⁴ Motion for Reconsideration at 1-3.

⁵ Petitioner's Reply to the Government's Opposition to his Motion for Compassionate Release ("Reply"), [docket no. 120](#), filed July 23, 2020.

⁶ Memorandum Decision and Order Denying Without Prejudice Motion for Compassionate Release.

cured this defect.⁷ Therefore, the government was ordered to file an expedited response to the Prior Motion for Reconsideration, which addressed the merits of Mr. DeYoung's Motion for Compassionate Release.⁸

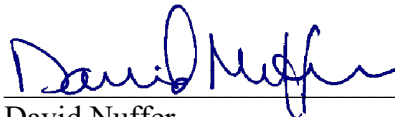
A reply from Mr. DeYoung was unnecessary for determination of his Prior Motion for Reconsideration. The Prior Motion for Reconsideration was denied because Mr. DeYoung failed to demonstrate that his circumstances constituted extraordinary and compelling reasons to warrant compassionate release or a reduced sentence, and because jurisdiction was lacking over his request for home confinement.⁹ Nothing in Mr. DeYoung's current Motion for Reconsideration or his recently filed Reply changes this analysis. Compassionate release for Mr. DeYoung is not warranted, and jurisdiction is lacking over his request for home confinement.

ORDER

THEREFORE, IT IS HEREBY ORDERED that Defendant's Motion for Reconsideration¹⁰ is DENIED.

Signed July 29, 2020.

BY THE COURT

A handwritten signature in blue ink, appearing to read "David Nuffer", is written over a horizontal line.

David Nuffer
United States District Judge

⁷ Prior Motion for Reconsideration at 1-2, ¶¶ 6-8 at 8, 10.

⁸ Docket Text Order, docket no. 115, filed June 18, 2020.

⁹ Memorandum Decision and Order Denying Motion for Reconsideration.

¹⁰ [Docket no. 121](#), filed July 23, 2020.